

Division of Behavioral Health Services

Bureau of Compliance

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TO: RBHA and TRBHA CEOs, Medical Directors and Clinical Leadership

FROM: Dan Wendt
Division Chief, Bureau of Compliance

Jennifer Vehonsky
Bureau Chief of Policy

SUBJECT: **POLICY CLARIFICATION: Appeals for Denial of Access to Out-Of-Network Providers**

DATE: March 13, 2006

This memorandum is a follow up to our previous clarification memorandum, dated February 28, 2006, in which the Arizona Department of Health Services/Division of Behavioral Health Services (ADHS/DBHS) determined that the Tribal and Regional Behavioral Health Authorities (T/RBHAs) are required to pay for out-of-network services only if a service is not available through an in-network provider. In light of this clarification, the question of whether a member can appeal the decision to deny access to an out-of-network provider has been raised.

The Department has determined that the denial, reduction, suspension or termination of a request for out-of-network services does constitute an appealable action and, therefore, the T/RBHAs do not have the authority to refuse to consider this appeal.